



Office of the Attorney General  
State of Texas

DAN MORALES  
ATTORNEY GENERAL

February 26, 1998

Mr. Robert J. Gervais  
Assistant City Attorney  
City of Galveston  
Legal Department  
P.O. Box 779  
Galveston, Texas 77553-0779

OR98-0554

Dear Mr. Gervais:

You ask whether certain information is subject to required public disclosure under chapter 552 of the Government Code. Your request was assigned ID# 112942.

You explain that the Galveston Police Department (the "department") received a request for "any opinion by Barbara Roberts, City Attorney, allegedly confirming that 'the City is not required to conduct a public hearing before issuing a permit for maintenance of scraping the sand on Stewart Beach.'" You assert that the information at issue is excepted from disclosure pursuant to sections 552.103 and 552.107 of the Government Code.

Section 552.107(1) of the Government Code protects information that an attorney cannot disclose because of a duty to his client. In Open Records Decision No. 574 (1990), this office concluded that section 552.107(1) excepts from public disclosure only "privileged information," that is, factual information or requests for legal advice communicated by the client to the attorney and legal advice or opinion rendered by the attorney to the client. Open Records Decision No. 574 (1990) at 5-7. Section 552.107(1) does not, however, protect purely factual information. *Id.* Having reviewed the memorandum at issue, we conclude that you may withhold it from disclosure pursuant to section 552.107(1).<sup>1</sup>

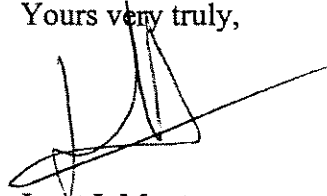
We are resolving this matter with an informal letter ruling rather than with a published open records decision. This ruling is limited to the particular records at issue

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<sup>1</sup>We need not address the section 552.103 arguments as we have addressed the issues under section 552.107 of the Government Code.

under the facts presented to us in this request and should not be relied upon as a previous determination regarding any other records. If you have questions about this ruling, please contact our office.

Yours very truly,

A handwritten signature in black ink, appearing to be 'Janet I. Monteros', written over a horizontal line.

Janet I. Monteros  
Assistant Attorney General  
Open Records Division

JIM/rho

Ref: ID# 112942

Enclosure: Submitted document

cc: Mr. Steve Schulz  
Greer, Herz & Adams, L.L.P.  
One Moody Plaza, 18<sup>th</sup> Floor  
Galveston, Texas 77550-7998  
(w/o enclosure)